

## 4. Code & Regulatory Framework



# Code & Regulatory Framework

The following section reviews code and regulatory constraints on the study sites. The City of Seattle, with direct jurisdiction, executes the bulk of the land use regulations through the Seattle Municipal Code (SMC). The review of the SMC considers existing zoning as well as other zoning that might be relevant to discussions of future uses on the sites. Applicable additional review layers are also examined. Finally, the Department of Natural Resources (DNR) governance of waterways and submerged lands is reviewed.

The following are considered:

## Zoning

- Industrial Commercial (IC): underlying zone Upland, Waterfront and Stone Way Pier sites
- Urban Maritime Zoning Overlay (UM): overlays Waterfront and Stone Way Pier sites
- Neighborhood Commercial (NC): Adjacent to the east of the Upland site
- Pedestrian 2 Overlay (P2): Not currently in place

## Additional Reviews

- View Corridors with special protection
- Design Review: Neighborhood design review process

## Parking

Parking requirements are also regulated by the Seattle Municipal Code. Parking requirements are generally determined by the uses in a building as opposed to the zoning that is on the site, therefore are considered separately from zoning.

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## Industrial Areas Protection Policies

The City of Seattle's Comprehensive Plan includes specific policies for the protection and enhancement of industrial activities. The relationship of these policies to the sites is considered.

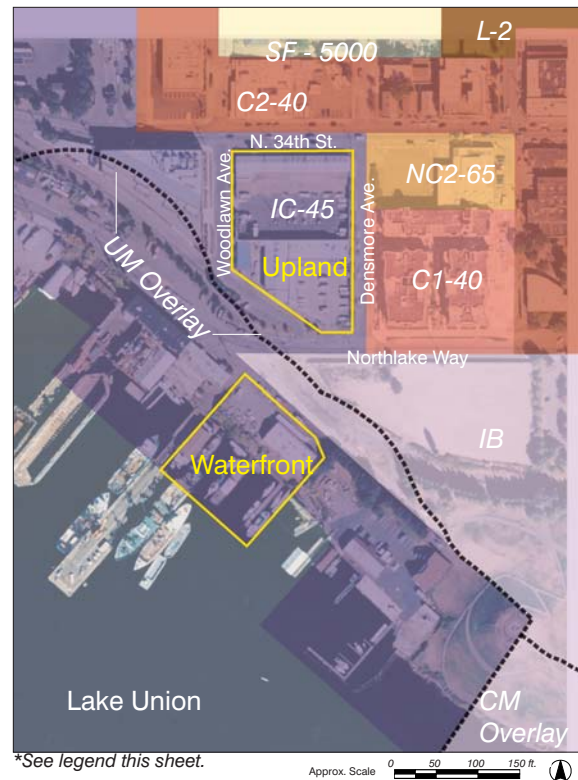
## DNR Submerged Lands and Waterways Regulation

The Department of Natural Resources is the proprietor of public waterways and submerged bedlands in the vicinity of the study sites and executes regulation over these areas.

## Zoning: Upland and Waterfront

- Upland Parcel: Industrial Commercial with 45' height limit. (IC - 45)
- Waterfront Parcel: Urban Maritime (UM) shoreline overlay regulations apply, in addition to the IC - 45 underlying zone.
- Nearby Zoning: Commercial 1 - 40' height limit, east of Upland site across Densmore Ave.; Commercial 2 - 40' height limit, north of sites across N. 34th St., Industrial Buffer (IB) zone south and east of the sites, NC2 - 65 east of upland site.

*Note: Neighborhood Commercial 2 zoning, and a Pedestrian 2 overlay are considered as potential zoning changes for the N. 34th St. corridor in the Draft South Wallingford Neighborhood Plan Amendment.*



Zoning : Upland and Waterfront Parcel

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## Zoning: Stone Way Pier

- Stone Way Pier Parcel: Urban Maritime (UM) shoreline environment overlay regulations apply, in addition to the IC - 45 underlying zone.
- Nearby Zoning: Commercial 2 with a 30' height limit beginning immediately west of the site.

### LEGEND (both figures)

IC - Industrial Commercial	SF 5000 - Single Family
IB - Industrial Buffer	Lowrise 2
C2 - Commercial 2	Shoreline Overlay Boundary (UM & CM)
C1 - Commercial 1	Study Site Boundary
NC2 - Neighborhood Commercial	

*Figures not to same scale.*



Zoning : Stone Way Pier

## Uses Allowed Outright In Relevant Zones

Industrial / Commercial (IC - 45)	Urban Maritime Overlay (UM)	Neighborhood Commercial 2 (NC2)	Pedestrian Overlay 2 (P2) (Not currently in place.)
Light Manufacturing Most Retail Sales & Services Principal Use Parking Non-household Sales & Services Office Entertainment Uses (except adult) Wholesale Showrooms Warehouses and Mini-Warehouses Outdoor Storage Transportation Facilities Passenger Terminal Cargo Terminal Railyard Switchyard Food Processing Research & Development Lab Salvage & Recycling Utility Service Use Minor Communication Utility Institute for Advanced Study Child Care Center Vocational or Fine Art School Park & Pool Lot Caretaker's Quarters Parks Playgrounds Aquaculture	Marine Retail Tugboat Services Water-Related Showroom Water-Dpndt. Passenger Terminal Water - Dpndt. Cargo Terminal Water-Dpndt. Food Processing Streets, Railroads, Bridges Utility Lines Public Services Needing Shoreline Water-Related Research & Edu. Shoreline Recreation Water-Related Institutes Water-Related Vocational Schools Light & General Manufacturing Water-Related Public Facilities Aquaculture	Convenience Stores General Retail Sales & Service Major Durables Sales & Service Pet Grooming & Animal Services Gas Stations Motorized Vehicle Sales & Rental Vehicle Repair Car Wash Auto Parts Sale Large Boat Sales Vessel Repair Marine Service Station Dry Boat Storage Restaurants Bed & Breakfast Mortuary Services Business Support Services Business Incubator Sales, Rental Office Equipment Customer Service Office Administrative Office Performing Arts Theater Spectator Sports Facility Lecture & Meeting Halls Motion Picture Theater Adult Theater Indoor Participant Sports Arena Food Processing Custom and Craft Work Research & Development Labs Recycling Collection Station Utility Services Minor Communication Utilities Light Manufacturing Institute for Advanced Study Private Club Child Care Center Museum Schools & Colleges Community Center or Club Vocational or Fine Arts School Hospital Religious Facility University Major Institution Single Family Residential* Multi Family Residential * Congregate Residences* Artist Studio / Dwelling Adult Family Homes * Nursing Homes Assisted Living* Live-Work Units*	PROHIBITED USES  Drive In Businesses Live-Work Units at the Street  REQUIRED AT STREET LEVEL (Any combination of...)  Retail Sales & Services Eating & Drinking Establishment Customer Service Office Entertainment Uses Pet Grooming Services Public Library
		* When there is a mix with non - residential uses.	



## Summary of Development Standards for Industrial Commercial (IC - 45)

<i>Height Limit:</i>	45'
<i>Floor Area Ratio:</i> (SMC 23.50.028)	2.5. Exempt from FAR calculation: Below grade areas, accessory parking, rooftop mechanical and equipment areas.
<i>Setbacks:</i> (SMC 23.50.032)	No setbacks required. Setbacks only required where adjacent to or across from a residentially zoned lot.
<i>Maximum Size Limit</i> <i>Non- Industrial Use:</i> (23.50.027)	None for office uses. 75,000 for retail sales and service.
<i>Screening &amp; Landscaping:</i> (SMC 23.50.038)	Required: Street trees, Blank façade treatment, Hedges, Landscaped Areas, For 50+ cars, 3' high screening and street trees are required along street lot lines, as well as interior parking lot landscaping.

*Note: Summary intended for overview only. See code references for full code requirements.*



*Water related industrial uses persist on the North Lake Union shore*

## Summary of Development Standards for Urban Maritime Overlay (UM)

<i>Shoreline Master Program</i>	All shoreline properties are subject to shoreline environments regulations <u>in addition to</u> the underlying zoning regulations.
<i>Substantial Development Permit:</i>	Any development of \$2,500 or more in the Shoreline District must receive a “substantial development” permit – approved by the Director of Planning and Development.
<i>Structure Height: (SMC 23.60.752)</i>	35’ except for: equipment, cranes for water-dependent uses, manufacturing structures for water-dependent uses, antennas and flagpoles, various rooftop features.
<i>View Corridors in UM:</i>	15% lot width for water-dependent uses. 35% lot width for non water-dependent uses. Moorage, boats undergoing repair, parking, storage may be in view corridor.
<i>View corridor reductions (5% each down to a minimum of 15’)</i>	When full corridor is in one location. When 1/2 required width is next to a street, waterway or park. When 1/2 required width next to a view corridor on adjacent property. A viewing area of 150 sf which provides a clear view of land and water may be substituted for a view corridor.
<i>Lot Coverage: (Waterfront Lots) (SMC 23.60.754)</i>	Max. 50% lot coverage for submerged portions. (piers and docks) Max. 75% dry land portions. (structures) Drydocks may cover an additional 25% of submerged land for 75% max.
<i>Parking Requirements:</i>	Parking must be located at least 50’ from water, unless lot is too small. Parking requirement may be waived by the director if: <ul style="list-style-type: none"> <li>- Alternative forms of transport can meet parking demand.</li> <li>- Parking is available within 800’.</li> </ul>
<i>Public Access: (SMC 23.60.758)</i>	Public access is required for all publicly owned waterfront (leased or owned). Private Marinas are required to provide public access. Non-water dependent uses are required to provide public access. Water-dependent uses on private lots do not have to provide access.

Note: Summary intended for overview only. See code references for full code requirements.

### Mixed Use Development Standards for Neighborhood Commercial 2 (NC2)

<i>Non-Residential Use at Street Front:</i>	At least 80% of a structure's facade at street level must be a nonresidential use. The nonresidential use must average a 30' depth. Up to 22' can be subtracted from the nonresidential use requirement where a driveway is necessary. At least 51% of the required nonresidential use shall be at or above sidewalk grade, and no portion may be more than 3' above or below sidewalk grade.
<i>Building &amp; Floor to Floor Heights:</i>	Minimum street floor to floor height is 13'. Structure height limits vary according to the official land use map.
<i>Lot Coverage: Residential Density: (SMC 23.47.009)</i>	Above 13' from finished grade, a maximum lot coverage of 64% In NC zones with thirty 30' foot height limits, the density limit is one unit per 800 sf lot area. In NC zones with 40' and 65' height limits the density limit is one unit per 600 sf of lot area.
<i>Setbacks: (SMC 23.47.014)</i>	A 15' triangular setback is required where adjacent to residentially zoned lots. A setback of 15' is required at 13' above street level - where next to a residentially zoned lot. (Setbacks would not be required for study sites, where not adjacent to residentially zoned lots.)
<i>Screening &amp; Landscaping</i>	Landscaping equalling 5% lot area is required for new construction, and should be provided in the most visible areas. Street trees are required.

The P-2 zoning designation is not currently in place, but was suggested in the Draft South Wallingford Neighborhood Plan Amendment for the N. 34th St. corridor.

### Summary Development Standards Pedestrian 2 Overlay (P-2)

<i>Parking Reductions: 23.47.044</i>	Parking reductions may be allowed according to SMC 23.54.020. Additional parking reductions are allowed for eating and drinking establishments, entertainment uses, customer service offices and others.
<i>Parking Behind Structure:</i>	Parking must be located at the rear or under a structure, or be located within 800 feet of the lot. Parking may not be located along the pedestrian street front.
<i>Parking Beside Structure:</i>	Parking may be located to the side of a structure if parking to the rear, under or within 800 feet is not available.

*Note: Summary intended for overview only. See code references for full code requirements.*

## Protected View Corridors

The State Environmental Policy Act (SEPA) section of the SMC includes special provisions for view protection along designated scenic corridors and viewpoints. SMC 25.05.675 states:

*“It is the City's policy to protect public views of significant natural and human-made features: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, and major bodies of water including Puget Sound, Lake Washington, Lake Union and the Ship Canal, from public places consisting of the specified viewpoints, parks, scenic routes, and view corridors, identified in Attachment 1.”*

The following corridors adjacent to the site are identified in Attachment 1 of SMC 25.05.675.

- N. 34th St.
- The Burke Gilman Trail
- N. Northlake Way
- Wallingford Ave. (N. 36th to Northlake Way)

According to the Municipal Code, the decision maker (City of Seattle) may condition or deny a proposal to eliminate or reduce its adverse impacts on designated public views. View corridors over shorelines are also designated in the Land Use Code, in SMC 23.60.162, 23.60.954.



Views over Lake Union on Woodlawn Ave., adjacent to the upland site.



## Design Review

The City of Seattle also has a codified design review process (SMC 23.41). South Wallingford is within the City's northeast design review section. Design review is intended to:

- Encourage better design that enhances community character
- Provide flexibility in development standards
- Improve developer / community communication

Design review is required for most multi-family and commercial structures. A Design Review Board comprised of citizens executes design review and advises the Director on specific conditions of approval. A public design review meeting is required. Departures from various Land Use Code requirements to improve design are allowable through design review.

*Note: The Draft South Wallingford Neighborhood Plan Amendment discusses a mandatory design review process for South Wallingford view corridors - including north/south streets adjacent to study sites.*

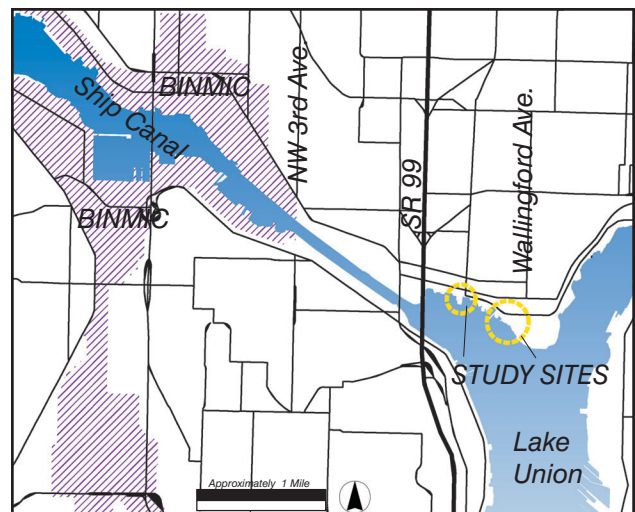
## Industrial Areas Protection Policies

The City of Seattle's Comprehensive Plan guides overall longterm land use strategy, and is consistent with the State's Growth Management Act. The Comprehensive Plan Goals and Policies provide strong protection for industrial and particularly marine industrial uses and zones throughout the city (LG70-LG76, L213-L218 and L231-233). The Comprehensive plan designates two distinct Manufacturing / Industrial Centers in the city. These are:

- Ballard - Interbay - Northend Manufacturing / Industrial Center (BINMIC)
- Duwamish Manufacturing / Industrial Center (DMIC)

The study sites are located outside of manufacturing industrial centers as shown at right. Multiple Goals and Policies seek to aggressively maintain, and encourage industrial and manufacturing activity in BINMIC and DMIC. (City of Seattle Comprehensive Plan LG19 - LG27). While other areas of the city do

have industrial zoning and uses which are protected by City goals and policies, areas within BINMIC and DMIC will receive the most stringent protection of industrial uses in the long term. The BINMIC boundary ends to the west of the study sites near NW 3rd Ave.



*Boundaries of the Ballard Interbay Northend Manufacturing / Industrial Center in relation to the study sites.*

## Parking Requirements for Potential Site Uses

Aquaculture (retail area)	1 space / 350 sf.
Commercial Moorage	1 space / 140 lf. moorage
Community Centers/ Clubs room	1 space / 80 sf floor area for auditoria and meeting rooms; 1 space / 350 sf if no assembly or auditoria
Dry Storage of Boats	1 space / 2000 sf.
General Retail Sales and Service	1 space / 350 sf.
Light Manufacturing	1 space / 1500 sf.
Marine Service Station	1 space / 2000 sf.
Multifamily Uses	2 - 10 units - 1.1 spaces / unit 11- 30 units - 1.15 spaces / unit 31 - 60 units - 1.2 spaces / unit 61+ units - 1.25 spaces / unit
Multi purpose convenience stores	1 space / 350 sf
Office Administrative	1 space / 1000 sf.
Office Customer Service	1 space / 350 sf.
Outdoor Storage	1 space / 2000 sf.
Passenger Terminals (waiting areas)	1 space / 100 sf.
Recreational Marinas	1 space / 75 lf moorage
Research & Dvlmnt. Lab	1 space / 1000 sf.
Boat Part Sales	1 space / 350 sf.
Swimming Pool (water area)	1 space / 150 sf.

Source: Chart A SMC 23.54.015

## Parking Requirements

Parking requirements are determined by the uses on a property and the gross area of a particular use. The chart lists base parking requirements for the types of uses being considered for the study sites.

The UM overlay provides some special provisions and opportunities for parking requirement reductions. These include:

- Parking must be located at least 50' from the water's edge, unless a lot is too narrow to configure parking in this way.
- Parking requirements in the UM may be waived by the director:
  - If alternative forms of transportation can meet the demand
  - If parking is provided within 800' of the site

## Department of Natural Resources (DNR) Waterway and Bedlands Regulation

The Washington State Department of Natural Resources (DNR) is the proprietor of state-owned aquatic lands, including waterways, and submerged bedlands in the vicinity of the study sites.

### Waterways

Both the waterfront and Stone Way pier sites are directly adjacent to a DNR managed waterway. (Waterways 20, and 22 respectively). Per WAC 332-30-106 a waterway is defined as...

*"...an area platted across aquatic lands or created by a waterway district providing for access between the uplands and open water, or between navigable bodies of water."*

Specific priorities for the use of waterways are in place according to WAC 332-30-117, including:

- Providing public navigation routes between water and land for convenience of navigation and commerce is the top priority for waterway use.
- Permits may be issued for terms up to 5 years for uses including: public water access facilities, water dependent commerce, other water-dependent uses.
- Removable anchors and floats may be located in waterways when use permits have been issued.

### Bedlands

The beds of navigable waters, also known as bedlands, are part of state-owned aquatic lands. The submerged lands extending into Lake Union from the Waterfront and Stone Way Pier parcels are considered bedlands.

- Bedlands may be leased, but only to the owner of abutting private tidelands or shorelands or to the lessee of abutting public tidelands or shorelands. (RCW 79.90.050)
- The management of state-owned aquatic lands shall preserve and enhance water-dependent uses. Water-dependent uses are preferred for leasing of state-owned aquatic lands. (RCW 79.90.460)
- Water-dependent uses of state-owned aquatic lands must pay rent to the state based on the water-dependent rent formula. (See RCW 79.90.480)

## King County Real Estate Disposition Process

King County must go through a detailed process when seeking to sell any piece of land. The following steps are required for the surplusing or sale process. (King County Code 4.56)

Preliminary Steps	Notes
The Custodial Department prepares property package, and may hold preliminary negotiations on trades or negotiated direct sales. Memo included with property package declaring property surplus to the needs of the custodial department.	<i>In the case of the upland and waterfront sites, the Custodial Department is Metro Transit. Preliminary negotiations were held with a potential developer of the upland site.</i>
Surplus & Approval	Notes
Report to Real Estate Services Department declaring property surplus to the needs of the custodial department.	<i>King County Code 4.56.070 C.1. requires that a department determine that real property is surplus to its needs.</i>
Real Estate Services circulates to other County Departments to determine if any other Department has a need for the property (usually 30 days).	<i>Since the Transportation Department was the original purchaser, only transfers within Transportation can be made without purchase. The general fund for example would have to purchase the property at market value.</i>
If another department has a need, property can be transferred depending on the source of funding for the original purchase. Different funding sources must be reimbursed at market value.	
If no county interest, proceed with transaction including appraisal of property.	<i>No other County Department has expressed interest to date.</i>
Property reviewed to determine if suitable for affordable housing.	<i>Because the zoning of all three properties does not allow residential use, properties will be deemed unsuitable for affordable housing.</i>
Property not scheduled for trade or direct sale is offered to other governmental agencies for fair market value.	<i>City of Seattle agencies would be approached here. To date no City department has expressed interest in purchase.</i>
Real Estate Services manager signs Declaration of Surplus Property to County needs.	



Surplus & Approval Continued	Notes
Property suitable for affordable housing is offered for sale through a Request For Proposals (RFP) process.	<i>Again, study properties are not suitable for housing. This housing-specific RFP process is not applicable to the study sites.</i>
Real Estate Services reviews and makes recommendations to the County Executive for the property.	<i>Recommendation could include: marketing for public sale or trade for property of similar value. (See Sale completion steps below.)</i>
Ordinance prepared for King County Council to obtain approval of sale. After County Council approval, Executive may move forward with necessary sale documents.	
King County Council Approval	
Sale Completion Steps	Notes
<p>Property is marketed for public sale. Sale documents are prepared, executed and recorded.</p> <p>Or...</p> <p>Property is traded for real property of similar value. Exchange Agreement is executed and recorded.</p>	<i>A competitive open RFP process is one technique for marketing for public sale.</i>

### Property Expert Review Task Force Recommendations (PERT)

The County recently had its real estate functions evaluated by outside experts. The PERT recommendations are generally aimed at making the County more business-like and proactive in managing its property. General recommendations related to property disposition are summarized at right. The recommendations generally support timely and market driven actions on the part of the county regarding the study sites.

### Applicable PERT Recommendations

- Improve overall portfolio management
- Better identify surplus sites
- Improve definitions of highest and best use, financial objectives, and public benefit
- Streamline the surplus process that takes too long
- Make the surplussing more proactive
- Improve inter-branch and interdepartmental coordination

## Flow Chart

### King County Real Estate Disposition Process

